

IT IS ORDERED

Date Entered on Docket: February 19, 2021



The Honorable Robert H Jacobvitz
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO**

In Re:

Benjamin W. Volcko
aka Ben W. Volcko
and Sarah A Martin-Volcko
aka Sarah A. Jennings,

Debtors.

Case No. 20-12330-j7

Chapter: 7

**DEFAULT ORDER GRANTING MOTION FOR RELIEF FROM STAY AND TO
ABANDON PERSONAL PROPERTY KNOWN AS 2018 NISSAN ALTIMA, VIN
#1N4AL3AP5JC270596**

This matter came before the Court on the Motion for Relief from Automatic Stay and to Abandon Personal Property filed on January 11, 2021, Docket No. 9 (the "Motion") by Nissan Motor Acceptance Corporation ("Movant"). The Court, having reviewed the record and the Motion, and being otherwise sufficiently informed, FINDS:

1. On January 11, 2021, Movant served the Motion and a Notice of the Motion (the "Notice") on the case Trustee, Clarke C. Coll ("Trustee"), and on Debtors' counsel, Kenneth G. Egan, by use of the Court's case management and electronic filing system for the transmission of

notices, as authorized by Fed.R.Civ.P. 5(b)(3) and NM LBR 9036-1, and on Debtors by United States first class mail, in accordance with Bankruptcy Rules 7004 and 9014.

2. The Motion relates to the personal property known as 2018 Nissan Altima, VIN #1N4AL3AP5JC270596 (the "Collateral"). The Notice specified an objection deadline of 21 days from the date of service of the Notice, to which 3 days was added under Bankruptcy Rule 9006(f);

3. The Notice was sufficient in form and content;

4. The objection deadline expired on February 4, 2021;

5. As of February 15, 2021, neither Debtors nor Trustee, nor any other party in interest, filed an objection to the Motion;

6. The Motion is well taken and should be granted as provided herein; and

7. By submitting this Order to the Court for entry, the undersigned counsel for Movant certifies under penalty of perjury that, on February 15, 2021, Dyane Martinez, an assistant of Weinstein & Riley, P.S. searched the data banks of the Department of Defense Manpower Data Center ("DMDC") and found that DMDC does not possess any information indicating that Benjamin W. Volcko *aka* Ben W. Volcko and Sarah A. Martin-Volcko *aka* Sarah A. Jennings are currently on active military duty of the United States.

IT IS THEREFORE ORDERED:

1. Pursuant to 11 U.S.C. §362(d), the automatic stay is terminated as to the Collateral to permit Movant to exercise its right to take any and all action necessary and appropriate to enforce Movant's interest against the Collateral, including, but not limited to, the right to repossess and liquidate its Collateral and applicable State law.

2. The Trustee is deemed to have abandoned the Collateral from the estate pursuant to 11 U.S.C. §554 as of the date of entry of this Order, and the Collateral therefore no longer is property of the estate.

3. This Order shall continue in full force and effect if this case is dismissed or converted to a case under another chapter of the Bankruptcy Code.

4. This order is effective and enforceable upon entry. The 14-day stay requirement of Fed.R.Bankr.P. 4001(a)(3) is waived.

XXX END OF ORDER XXX

Submitted by:

/s/ Elizabeth V. Friedenstein

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